

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Knology, Inc.,)	
)	
Complainant,)	
)	
v.)	File No. EB-04-MD-011
)	
Georgia Power Company,)	
)	
Defendant.)	
)	

ORDER

Adopted: February 8, 2005

Released: February 9, 2005

By the Chief, Market Disputes Resolution Division, Enforcement Bureau:

1. On August 11, 2004, Knology, Inc. (“Knology”) filed a Motion¹ against Georgia Power Company (“Georgia Power”). In its Motion, Knology alleged that Georgia Power is violating the *Pole Attachment Order*,² and requested that the Commission (a) order Georgia Power to show cause why it should not cease and desist from violating the *Pole Attachment Order*, and (b) impose a forfeiture on Georgia Power.³

2. On February 3, 2005, Knology and Georgia Power filed a Joint Motion requesting that the captioned proceeding be dismissed with prejudice.⁴ Knology and Georgia Power state in

¹ Motion for Enforcement of Commission Memorandum Opinion and Order and Forfeiture, File No. EB-04-MD-011 (filed Aug. 11, 2004) (“Motion”).

² *Knology, Inc. v. Georgia Power Co.*, Memorandum Opinion and Order, 18 FCC Rcd 24615 (2003) (“*Pole Attachment Order*”).

³ Motion at 1.

⁴ Joint Stipulation of Dismissal with Prejudice, File No. EB-04-MD-011 (filed Feb. 3, 2005) (“Joint Motion”).

the Joint Motion that they have reached a mutually-acceptable resolution of their dispute.⁵

3. We are satisfied that dismissing the captioned proceeding with prejudice will serve the public interest by promoting the private resolution of disputes and by eliminating the need for further litigation and the expenditure of further time and resources of the parties and this Commission.

4. Accordingly, IT IS ORDERED, pursuant to sections 1, 4(i), 4(j), and 224 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), and 224, and the authority delegated in section 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111 and 0.311, that the Joint Motion IS GRANTED, that the proceeding IS DISMISSED WITH PREJUDICE, and that the proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

Alexander P. Starr
Chief, Market Disputes Resolution Division
Enforcement Bureau

⁵ Joint Motion at 1.